

Senate Bill No. 796

Passed the Senate May 7, 2007

Secretary of the Senate

Passed the Assembly June 28, 2007

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2007, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 904.8 to the Penal Code, relating to grand juries.

LEGISLATIVE COUNSEL'S DIGEST

SB 796, Runner. Additional grand juries.

Existing law authorizes the presiding judge in any county or city and county, or the judge appointed by the presiding judge to supervise the grand jury, to impanel an additional grand jury upon the request of the Attorney General or the district attorney or upon his or her own motion.

This bill would authorize the Presiding Judge of the Superior Court of the County of Los Angeles, or the judge appointed by the presiding judge to supervise the grand jury, to instead impanel up to 2 additional grand juries, in accordance with specified procedures.

The people of the State of California do enact as follows:

SECTION 1. Section 904.8 is added to the Penal Code, to read:

904.8. (a) Notwithstanding subdivision (a) of Section 904.6 or any other provision, in the County of Los Angeles, the presiding judge of the superior court, or the judge appointed by the presiding judge to supervise the grand jury, may, upon the request of the Attorney General or the district attorney or upon his or her own motion, order and direct the impanelment of up to two additional grand juries pursuant to this section.

(b) The presiding judge or the judge appointed by the presiding judge to supervise the grand jury shall select persons, at random, from the list of trial jurors in civil and criminal cases and shall examine them to determine if they are competent to serve as grand jurors. When a sufficient number of competent persons have been selected, they shall constitute an additional grand jury.

(c) Any additional grand juries that are impaneled pursuant to this section may serve for a period of one year from the date of impanelment, but may be discharged at any time within the one-year period by order of the presiding judge or the judge

appointed by the presiding judge to supervise the grand jury. In no event shall more than two additional grand juries be impaneled pursuant to this section at the same time.

(d) Whenever additional grand juries are impaneled pursuant to this section, they may inquire into any matters that are subject to grand jury inquiry and shall have the sole and exclusive jurisdiction to return indictments, except for any matters that the regular grand jury is inquiring into at the time of its impanelment.

(e) It is the intent of the Legislature that, in the County of Los Angeles, all persons qualified for jury service shall have an equal opportunity to be considered for service as criminal grand jurors within the county, and that they have an obligation to serve, when summoned for that purpose. All persons selected for an additional criminal grand jury shall be selected at random from a source or sources reasonably representative of a cross section of the population that is eligible for jury service in the county.

Approved _____, 2007

Governor